

**Proponent Testimony on Sub. S. B. No. 83,
“The Ohio Higher Education Enhancement Act”
House Higher Education Committee**

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Chair Young, Vice Chair Manning, Ranking Member Miller, and distinguished Committee members, I am Adam Kissel, Visiting Fellow for Higher Education Reform at The Heritage Foundation. I write in favor of S. B. No. 83. Thank you for this opportunity to share my views.

I have worked in higher education policy, advocacy, and philanthropy throughout my career. For five years I worked at the Foundation for Individual Rights in Education (FIRE), defending faculty members and students against violations of their rights. I also was Deputy Assistant Secretary for Higher Education Programs at the U.S. Department of Education under Secretary Betsy DeVos, overseeing about 95 staff and responsible for a budget near \$2 billion.

I highlight and briefly explain here the several most valuable elements of this bill in its present form, all of which would strengthen higher education in Ohio (further commentary on pp. 2–3):

- A U.S. **civics or history bachelor’s degree requirement** that includes reading the U.S. Constitution and similar documents, at a time when Americans’ civic knowledge is very low;
- **Academic transparency**, to help students as well as citizens know what state institutions of higher education are *teaching*;
- **Cost transparency**, to help legislators and the public know what such institutions are *doing*;
- A stated **commitment to free inquiry** among each such institution, which is at the core of an institution’s mission;
- Other provisions maximizing **free speech and academic freedom** for faculty and students:
 - Prohibition on mandatory training and indoctrination on controversial topics, except where truly required (with transparency in such cases);
 - Prohibitions on explicitly discriminatory training and activities, which bans unfortunately are necessary to spell out because such things are pervasive across U.S. institutions;
 - Provisions promoting diversity of ideas among faculty members but official neutrality at the level of the institution;
 - Prohibition of compelled speech and ideological litmus tests in hiring and admissions, including mandatory diversity statements; and
 - Objective evaluations of faculty members;
- **Post-tenure review**, which provides clarity for assessing tenured faculty members;
- **Retrenchment** policies, which will be valuable when institutions shrink or face emergencies, as is currently the case for many institutions nationwide; and
- Appropriate wariness of inappropriate influence from donations from **China**.

¹ For identification only; proponent testimony in personal capacity only.

Accountability

Mr. Chair and Committee members, S. B. No. 83 not only prohibits violations of core American and academic values, but it also promotes and institutionalizes these values.

Many of these *legislative* provisions are necessary today even though they might not have seemed necessary in earlier generations. Ohioans used to be able to trust their public institutions to remain focused on their public missions and monitor themselves. No more.

Today, very many administrators and faculty members think of their colleges and universities not as academic institutions that serve all comers without political bias, but as activist institutions with activist classrooms, taking political stances and becoming political players.

As a result, Ohio’s democracy has come back knocking, saying, “We pay for this. Give us accountability.” I believe accountability is the main reason you are considering S. B. No. 83.

Unfortunately, institutions nationwide, including in Ohio, *have* engaged in all of the activities prohibited by this bill.² They resist internal reform, so legislatures are now appropriately stepping in to require academic freedom and free speech—without which a college is no college.

The fundamental mistake of DEI (“diversity, equity, and inclusion”) and the related activities that this bill bans is to *categorize people by group identity* rather than as unique individuals. “Diversity” programs use identity as a poor proxy for the actual *intellectual diversity* that makes colleges flourish, stereotyping students instead of promoting individual growth. They divide students instead of uniting them in a common academic environment.

Key antidotes for this bias are (1) transparency and (2) institutional neutrality, expressed best in the University of Chicago’s Kalven Committee Report. Here is just one excerpt: “To perform its mission in the society, a university must sustain an extraordinary environment of freedom of inquiry and maintain an independence from political fashions ... [It must] encourage the widest diversity of views within its own community.”³

The United States no longer requires a professor to reveal if he is a member of the Communist Party, but required diversity statements today do much the same from the political left.

S. B. No. 83 leaves classroom decisions to the faculty while protecting students against political and other discrimination, so the bill raises no concerns for individual academic freedom or free speech. Quite the opposite: S. B. No. 83 protects these core values.

² “Ohio State University Prioritized DEI Over Merit in Hiring, Documents Show,” Jennifer Kabbany, *The College Fix*, <https://www.thecollegefix.com/ohio-state-university-prioritized-dei-over-merit-in-hiring-documents-show/>, based on OSU documents provided to the National Association of Scholars’ John Sailer; “In Rare Move, Texas Tech Rescinds DEI Litmus Test for Faculty. Others Aren’t As Lucky,” Aaron Corpora, FIRE, *Inclusion Delusion: The Antisemitism of Diversity, Equity, and Inclusion Staff at Universities*, <https://www.thefire.org/news/rare-move-texas-tech-rescinds-dei-litmus-test-faculty-others-arent-lucky>; “Inclusion Delusion: The Antisemitism of Diversity, Equity, and Inclusion Staff at Universities,” Jay Greene and James Paul,” The Heritage Foundation, <https://www.heritage.org/education/report/inclusion-delusion-the-antisemitism-diversity-equity-and-inclusion-staff>

³ https://provost.uchicago.edu/sites/default/files/documents/reports/KalvenRprt_0.pdf

Civic education

American adults know very little about our system of government. The Annenberg Public Policy Center documents it: Only 47% of U.S. adults can name all three branches of government. One in four can't name a single First Amendment freedom.⁴

High school civics clearly isn't enough. And nationwide scores of eighth graders on the National Assessment of Educational Progress (NAEP) in civics and in history are the lowest they have *ever* been, over 25 years of testing. Only 13% of students scored as proficient in history, and only 22% scored as proficient in civics. A bachelor's degree requirement is as necessary in Ohio as in the rest of our country.

To repeat: S. B. No. 83 not only prohibits violations of core American and academic values, but it also promotes and institutionalizes these values.

Thank you again for the opportunity to comment.

⁴ <https://www.annenbergpublicpolicycenter.org/political-communication/civics-knowledge-survey/>